

REMARKS

The present amendment is submitted in response to the Office Action dated November 5, 2003, which set a three-month period for response, making this amendment due by February 5, 2004.

Claims 1-8 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 5-8 were objected to under 35 U.S.C. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 5-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 3, and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,180,886 to Scherz. Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,070,571 to Arai. Claims 2, 5, 6, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Arai. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of U.S. Patent No. 5,724,699 to Bexton.

The Applicant notes with appreciation the indicated allowability of claim 8, if rewritten to overcome the objections and rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

First, the Applicant wishes to note that in the Simultaneous Amendment filed March 8, 2002, original claims 1-8 were canceled and a set of eight new claims was added, also numbered as claims 1-8. In this amendment, these

claims have been renumbered correctly as claims 9-16 and original claims 1-8 are indicated as canceled.

Also in this amendment, the specification has been amended to add and/or change section headings, to delete reference to the claims, and to form the abstract into a single paragraph.

In view of the allowability of claim 16 (original claim 8), independent method claim 9 has been amended to add the features of claim 16, as well as intervening claim 13 (original claim 5), both of which were canceled. However, claim 9 was rewritten as a method claim including the following steps:

“providing a wiper with a wiper strip (12) with a wiper lip, wherein the wiper lip (16) rests against the vehicle window;

providing piezoelectric elements disposed parallel to the wiper strip (12), wherein said piezoelectric elements act on a wiper blade rubber (14) in a wiping direction (24) and are controlled by an electronic control unit (30);

providing a control unit (30);

activating the piezoelectric elements (10) with the control unit (30) before activating a wiping operation when the wiper is first actuated after the vehicle has been parked and/or at outside temperatures below freezing; and

setting the wiper strip (12) into oscillations lateral to its longitudinal direction (20) during the wiping operation and/or shortly before the wiping operation is begun.”

Claims 14 and 15 (original claims 6 and 7) have been rewritten as dependent method claims, depending on amended claim 9.

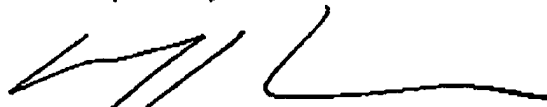
Because amended claim 9 includes the features of allowable claim 16, claim 9 is now allowable over the art of record. Likewise, claims 10-12 and 14-15, which depend from claim 9, are also allowable.

For the reasons set forth above, the Applicant respectfully submits that claims 9-12 and 14-15 are patentable over the cited references. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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